

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

MARK MCCOOL, SHAWN)	
MACDONALD, AND WARREN)	
HARLAN, individually and on behalf of all)	
others similarly situated,)	
)	NO. 3:19-cv-01158
Plaintiffs,)	
)	JUDGE CAMPBELL
v.)	MAGISTRATE JUDGE FRENSLEY
)	
AHS MANAGEMENT COMPANY, INC.,)	
et al.,)	
)	
Defendants.)	

ORDER


Pending before the Court is Defendants' Motion to Dismiss (Doc. No. 34). Plaintiffs filed a Response in Opposition (Doc. No. 46), and Defendants filed a Reply (Doc. No. 52). Also pending before the Court is Defendants' Motion for Oral Argument. (Doc. No. 38).

On June 19, 2020, Defendants filed a Notice of Supplemental Authority in support of their Motion to Dismiss (Doc. No. 53), and Plaintiffs filed a Response (Doc. No. 54). On July 6, 2020, Defendants filed a Notice of Supplemental Authority (Doc. No. 58), and Plaintiffs filed a Response and their own Notice of Supplemental Authority (Doc. No. 59), which Defendants responded to (Doc. No. 60). On August 3, 2020, Plaintiffs filed a Notice of Supplemental Authority (Doc. No. 62), and Defendants filed a Response (Doc. No. 64). On October 13, 2020, Defendants filed a Notice of Supplemental Authority (Doc. No. 67), and Plaintiffs filed a Response (Doc. No. 68). On November 2, 2020 and November 6, 2020, Plaintiffs file Notices of Supplemental Authority (Doc. Nos. 69, 70), and Defendants filed a Response (Doc. No. 72). On December 9, 2020, Defendants filed a Notice of Supplemental Authority (Doc. No. 73), and Plaintiffs filed a Response

(Doc. No. 74). On January 4, 2021 and January 5, 2021, Plaintiffs filed Notices of Supplemental Authority (Doc. Nos. 81, 82), and Defendants filed a Response and their own Notice of Supplemental Authority (Doc. No. 85), which Plaintiffs responded to (Doc. No. 86).

For the reasons set forth in the accompanying Memorandum, Defendants' Motion to Dismiss is **GRANTED** in part and **DENIED** in part. Accordingly, Defendants' Motion for Oral Argument (Doc. No. 38) is **DENIED** as moot.

It is so **ORDERED**.



WILLIAM L. CAMPBELL, JR.
UNITED STATES DISTRICT JUDGE